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Attorneys for Plaintiff Mrs. Fields Franchising, LLC

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MRS. FIELDS FRANCHISING, LLC,
a Delaware limited liability company,

Plaintiff,

vs.

BEKTROM FOODS, INC.,
a North Dakota corporation,

Defendant.

**ORDER REGARDING PLAINTIFF'S
MOTION FOR JUDGMENT ON THE
PLEADINGS**

Case No. 2:14-cv-00776-BSJ

Judge Bruce S. Jenkins

Plaintiff Mrs. Fields Franchising, LLC's ("Mrs. Fields") Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) came before the Court for hearing on April 15, 2015 at 1:30 pm, the Honorable Bruce S. Jenkins presiding. Mrs. Fields was represented by its counsel of record, Rod N. Andreason of Kirton McConkie. Defendant

Bektrom Foods, Inc. ("Bektrom") was represented by its counsel of record, David M. Bennion and Zack L. Winzeler of Parsons Behle & Latimer.

The Court, having heard the arguments of counsel and having received and reviewed the memoranda pertaining to the above Motion and all pleadings and documents on file, being otherwise fully advised in the premises, and good cause appearing therefor, hereby

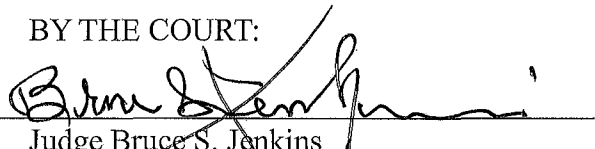
ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

1. The Court **DENIES** Mrs. Fields's request for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) at this time. Instead, the Court treats the Motion for Judgment on the Pleadings as a Motion to Dismiss Bektrom's Answer and Counterclaim pursuant to Federal Rule of Civil Procedure 12(b)(6) and **GRANTS** that Motion.
2. The Court further **GRANTS** Bektrom leave to amend its Answer and Counterclaim within twenty (20) days of the date of the above hearing. If Bektrom does not amend its Answer and Counterclaim within twenty (20) days of the date of the above hearing, Bektrom's Answer and Counterclaim shall be dismissed with prejudice.

DATED this 4th day of May, 2015.

BY THE COURT:

By:


Judge Bruce S. Jenkins
United States District Court Judge

Approved as to form:

/s/ David M. Bennion
David M. Bennion
Zack L. Winzeler
Attorneys for Defendant Bektrom Foods, Inc.

*Electronically signed by Rod N. Andreason
with permission of David M. Bennion*